

section affect any public highway on said right of way on March 8, 1922: *Provided further*, That the transfer of such lands shall be subject to and contain reservations in favor of the United States of all oil, gas, and other minerals in the land so transferred and conveyed, with the right to prospect for, mine, and remove same.

(Mar. 8, 1922, ch. 94, 42 Stat. 414.)

**§ 913. Conveyance by land grant railroads of portions of rights of way to State, county, or municipality**

All railroad companies to which grants for rights of way through the public lands have been made by Congress, or their successors in interest or assigns, are authorized to convey to any State, county, or municipality any portion of such right of way to be used as a public highway or street: *Provided*, That no such conveyance shall have the effect to diminish the right of way of such railroad company to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained.

(May 25, 1920, ch. 197, 41 Stat. 621.)

**§ 914. Omitted**

CODIFICATION

Section, act June 18, 1874, ch. 305, 18 Stat. 80, provided for issuance of patents for lands granted State of Oregon prior to June 18, 1874, upon certificate of Governor that wagon roads, in aid of which lands were granted, had been built.

**CHAPTER 21A—FORFEITURE OF NORTHERN PACIFIC RAILROAD INDEMNITY LAND GRANTS**

**§§ 921 to 929. Omitted**

CODIFICATION

Section 921, act June 25, 1929, ch. 41, § 1, 46 Stat. 41, related to forfeiture of any and all lands within indemnity limits of land grants to the Northern Pacific Railroad.

Section 922, act June 25, 1929, ch. 41, § 2, 46 Stat. 42, related to forfeiture of all unsatisfied indemnity selection rights.

Section 923, act June 25, 1929, ch. 41, § 3, 46 Stat. 42, related to effect of provisions of this chapter on various prior statutory provisions affecting the railroad.

Section 924, act June 25, 1929, ch. 41, § 4, 46 Stat. 42, related to effect of provisions of this chapter on title to rights of way actually in use by railroad.

Section 925, act June 25, 1929, ch. 41, § 5, 46 Stat. 42, authorized Attorney General to institute and prosecute all suits affecting title to lands.

Section 926, act June 25, 1929, ch. 41, § 6, 46 Stat. 43, related to restitution by railroads of lands which were not earned or erroneously credited.

Section 927, act June 25, 1929, ch. 41, § 7, 46 Stat. 43, related to jurisdiction of suits.

Section 928, act June 25, 1929, ch. 41, § 8, 46 Stat. 44, related to reports and recommendations to Congress concerning final determinations in such actions.

Section 929, act June 25, 1929, ch. 41, § 9, 46 Stat. 44, related to withholding of approval of adjustments of land grants pending final determination of actions.

**CHAPTER 22—RIGHTS-OF-WAY AND OTHER EASEMENTS IN PUBLIC LANDS**

Sec.  
931. Navigable rivers as public highways.

Sec.  
931a. Authority of Attorney General to grant easements and rights-of-way to States, etc.  
931b. Repealed.  
931c. Permits, leases, or easements; authorization to grant; payment; limitation.  
931d. Additional authority of department or agency head.  
932, 933. Repealed.  
934. Right of way through public lands granted to railroads.  
935. Several roads through canyons.  
936. Condemnation of private land.  
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938. Lands excepted.  
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940. Forfeiture of rights where railroad not constructed in five years after location.  
941. Railroad stations on rights of way granted.  
942. Omitted.  
942-1. Rights of way in Alaska; railroad rights of way; reservations; water transportation connections; State title to submerged lands; Federal repossession as trustee; "navigable waters" defined; posting schedules of rates; changes in rates.  
942-2. Rights of several roads through canyons.  
942-3. Condemnation of land.  
942-4. Filing preliminary survey, map and profile of road.  
942-5. Filing map and profile of road section; forfeiture of rights; reversion of grant.  
942-6. Rights of way for Alaskan wagon roads, wire rope, aerial, or other tramways; reservations; filing preliminary survey and map of location; alteration, amendment, repeal, or grant of equal rights; forfeiture of rights; reversion of grant; liens.  
942-7. Military park, Indian or other reservation.  
942-8. Reservation of right of alteration, amendment, or repeal; assignment of right of way.  
942-9. Map location of road.  
943. Right of way for railroads; reserved lands in Minnesota.  
944. Right of way in Oklahoma and Arizona.  
945. Reservation in patents of right of way for ditches or canals.  
945a. Compensation for rights-of-way for certain reclamation projects.  
945b. Jurisdiction; procedure.  
946. Right of way to canal ditch companies and irrigation or drainage districts for irrigation or drainage purposes and operation and maintenance of reservoirs, canals, and laterals.  
947. Map; damages to settlers.  
948. Application to existing and future canals.  
949. Use for canal or ditch only.  
950. Right of way to canal and ditch companies for irrigation purposes; additional grants.  
951. Right of way for water transportation, domestic purposes, or development of power.  
952. Reservoir sites for water for livestock.  
953. Declaratory statement as to reservoirs.  
954. Survey; map of reservoirs.  
955. Amendment, alteration, or repeal.  
956. Right of way for tramroads, canals, or reservoirs.  
957. Right of way to electric power companies.  
958. Rights of way for wagon roads or railroads.  
959. Rights of way for electrical plants, etc.  
961. Rights-of-way for power and communications facilities.  
962. Right of way in Colorado and Wyoming to pipeline companies.  
963. Applications for Colorado and Wyoming pipeline right of way.  
964. Limit of time for completion of Colorado and Wyoming pipelines; forfeiture.  
965. Restriction on use of Colorado and Wyoming pipeline right of way.

- Sec.  
 966. Right of way in Arkansas to pipe-line companies.  
 967. Applications for Arkansas pipeline right of way.  
 968. Restriction on use of Arkansas pipeline right of way.  
 969. Forfeiture of Arkansas pipeline right of way for nonuser, etc.  
 970. Forfeiture of Arkansas pipeline right of way for violation of antitrust law.  
 971. Bathhouses, hotels, etc., adjacent to mineral, medicinal, etc., springs on public lands.  
 971a. Alaskan lands within highway, telephone, and pipeline withdrawals; disposal; amendment of land description of claim or entry on adjoining lands.  
 971b. Sale of restored Alaskan lands; preference rights; consent of Federal agency.  
 971c. Utilization or occupancy of Alaskan easements; consent of agency.  
 971d. Effect on valid existing Alaskan rights.  
 971e. Definition of restored Alaskan lands.  
 975 to 975g. Repealed.

### § 931. Navigable rivers as public highways

All navigable rivers, within the territory occupied by the public lands, shall remain and be deemed public highways; and, in all cases where the opposite banks of any streams not navigable belong to different persons, the stream and the bed thereof shall become common to both.

(R.S. § 2476.)

#### CODIFICATION

R.S. § 2476 derived from acts May 18, 1796, ch. 29, § 9, 1 Stat. 468; Mar. 3, 1803, ch. 27, § 17, 2 Stat. 235.

### § 931a. Authority of Attorney General to grant easements and rights-of-way to States, etc.

The Attorney General, whenever he deems it advantageous to the Government and upon such terms and conditions as he deems advisable, is authorized on behalf of the United States to grant to any State, or any agency or political subdivision thereof, easements in and rights-of-way over lands belonging to the United States which are under his supervision and control. Such grant may include the use of such easements or rights-of-way by public utilities to the extent authorized and under the conditions imposed by the laws of such State relating to use of public highways. Such partial, concurrent, or exclusive jurisdiction over the areas covered by such easements or rights-of-way, as the Attorney General deems necessary or desirable, is ceded to such State. The Attorney General is authorized to accept or secure on behalf of the United States from the State in which is situated any land conveyed in exchange for any such easement or right-of-way, such jurisdiction as he may deem necessary or desirable over the land so acquired.

(May 9, 1941, ch. 94, 55 Stat. 183.)

### § 931b. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section, act July 24, 1946, ch. 596, § 7, 60 Stat. 643, authorized Secretary of War to grant easements and rights-of-way to States, etc. See section 2668 of Title 10, Armed Forces.

### § 931c. Permits, leases, or easements; authorization to grant; payment; limitation

The head of any department or agency of the Government of the United States having jurisdiction over public lands and national forests, except national parks and monuments, of the United States is authorized to grant permits, leases, or easements, in return for the payment of a price representing the fair market value of such permit, lease, or easement, to be fixed by such head of such department or agency through appraisal, for a period not to exceed thirty years from the date of any such permit, lease, or easement to States, counties, cities, towns, townships, municipal corporations, or other public agencies for the purpose of constructing and maintaining on such lands public buildings or other public works. In the event such lands cease to be used for the purpose for which such permit, lease, or easement was granted, the same shall thereupon terminate.

(Sept. 3, 1954, ch. 1255, § 1, 68 Stat. 1146.)

#### REPEAL; SAVINGS PROVISION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System. Such repeal not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

#### EXISTING RIGHTS-OF-WAY

Provisions of section 706(a) of Pub. L. 94-579, except as pertaining to rights-of-way, not to be construed as affecting the authority of the Secretary of Agriculture under this section, see section 706(b) of Pub. L. 94-579, set out as a note under section 1701 of this title.

### § 931d. Additional authority of department or agency head

The authority conferred by section 931c of this title shall be in addition to, and not in derogation of any authority heretofore conferred upon the head of any department or agency of the Government of the United States to grant permits, leases, easements, or rights-of-way.

(Sept. 3, 1954, ch. 1255, § 2, 68 Stat. 1146.)

### § 932. Repealed. Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793

Section, R.S. § 2477, authorized rights of way for construction of highways over public lands not reserved for public uses.

#### EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, provided that the repeal made by section 706(a) is effective on and after Oct. 21, 1976.

#### SAVINGS PROVISION

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

#### REGULATIONS AFFECTING RIGHTS-OF-WAY

Pub. L. 104-208, div. A, title I, § 101(d) [title I, § 108], Sept. 30, 1996, 110 Stat. 3009-181, 3009-200, provided that: "No final rule or regulation of any agency of the Fed-